

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

SHELLY DAVETTE GREEN
2002 West 112th Street
Los Angeles, CA 90047
Registered Nurse License No. 590988

Respondent.

Case No. 2008-144

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 13, 2008.

It is so ORDERED MAY 13, 2008.

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING

DEPARTMENT OF CONSUMER AFFAIRS

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
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6 Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-144

12 SHELLY DAVETTE GREEN
2002 West 112th Street
13 Los Angeles, CA 90047
Registered Nurse License No. 590988

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.
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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
21 the Board of Registered Nursing. She brought this action solely in her official capacity and is
22 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
23 by Jami L. Cantore, Deputy Attorney General.

24 2. Shelly Davette Green (Respondent) is representing herself in this
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about November 7, 2001, the Board of Registered Nursing issued
27 Registered Nurse License No. 590988 to Shelly Davette Green (Respondent). Registered Nurse
28 License No. 590988 was in full force and effect at all times relevant to the charges brought in

1 Accusation No. 2008-144, and will expire on June 30, 2009, unless renewed.

2 JURISDICTION

3 4. Accusation No. 2008-144 was filed on October 25, 2007, before the Board
4 of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on November 5, 2007. Respondent timely filed her Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 2008-144 is attached as Exhibit A and
8 incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations
11 in Accusation No. 2008-144. Respondent has also carefully read and understands the effects of
12 this Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the
14 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
16 the right to present evidence and to testify on her own behalf; the right to the issuance of
17 subpoenas to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
21 each and every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in
24 Accusation No. 2008-144.

25 9. Respondent agrees that her Registered Nurse License is subject to
26 discipline and she agrees to be bound by the Board of Registered Nursing's imposition of
27 discipline as set forth in the Disciplinary Order below.

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1 is placed on probation for three (3) years on the following terms and conditions.

2 **Severability Clause.** Each condition of probation contained herein is a separate
3 and distinct condition. If any condition of this Order, or any application thereof, is declared
4 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
5 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
6 and enforceable to the fullest extent permitted by law.

7 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
8 A full and detailed account of any and all violations of law shall be reported by Respondent to
9 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
10 compliance with this condition, Respondent shall submit completed fingerprint forms and
11 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
12 as part of the licensure application process.

13 **Criminal Court Orders:** If Respondent is under criminal court orders, including
14 probation or parole, and the order is violated, this shall be deemed a violation of these probation
15 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

16 2. **Comply with the Board's Probation Program.** Respondent shall fully
17 comply with the conditions of the Probation Program established by the Board and cooperate
18 with representatives of the Board in its monitoring and investigation of the Respondent's
19 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
20 within no more than 15 days of any address change and shall at all times maintain an active,
21 current license status with the Board, including during any period of suspension.

22 Upon successful completion of probation, Respondent's license shall be fully
23 restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall
25 appear in person at interviews/meetings as directed by the Board or its designated
26 representatives.

27 4. **Residency, Practice, or Licensure Outside of State.** Periods of
28 residency or practice as a registered nurse outside of California shall not apply toward a reduction

1 of this probation time period. Respondent's probation is tolled, if and when she resides outside
2 of California. Respondent must provide written notice to the Board within 15 days of any change
3 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
4 returning to practice in this state.

5 Respondent shall provide a list of all states and territories where she has ever been
6 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
7 provide information regarding the status of each license and any changes in such license status
8 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
9 new nursing license during the term of probation.

10 5. **Submit Written Reports.** Respondent, during the period of probation,
11 shall submit or cause to be submitted such written reports/declarations and verification of actions
12 under penalty of perjury, as required by the Board. These reports/declarations shall contain
13 statements relative to Respondent's compliance with all the conditions of the Board's Probation
14 Program. Respondent shall immediately execute all release of information forms as may be
15 required by the Board or its representatives.

16 Respondent shall provide a copy of this Decision to the nursing regulatory agency
17 in every state and territory in which she has a registered nurse license.

18 6. **Function as a Registered Nurse.** Respondent, during the period of
19 probation, shall engage in the practice of registered nursing in California for a minimum of 24
20 hours per week for 6 consecutive months or as determined by the Board.

21 For purposes of compliance with the section, "engage in the practice of registered
22 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
23 work in any non-direct patient care position that requires licensure as a registered nurse.

24 The Board may require that advanced practice nurses engage in advanced practice
25 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
26 Board.

27 If Respondent has not complied with this condition during the probationary term,
28 and Respondent has presented sufficient documentation of her good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may
2 grant an extension of Respondent's probation period up to one year without further hearing in
3 order to comply with this condition. During the one year extension, all original conditions of
4 probation shall apply.

5 7. **Employment Approval and Reporting Requirements.** Respondent
6 shall obtain prior approval from the Board before commencing or continuing any employment,
7 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
8 performance evaluations and other employment related reports as a registered nurse upon request
9 of the Board.

10 Respondent shall provide a copy of this Decision to her employer and immediate
11 supervisors prior to commencement of any nursing or other health care related employment.

12 In addition to the above, Respondent shall notify the Board in writing within
13 seventy-two (72) hours after she obtains any nursing or other health care related employment.
14 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
15 terminated or separated, regardless of cause, from any nursing, or other health care related
16 employment with a full explanation of the circumstances surrounding the termination or
17 separation.

18 8. **Supervision.** Respondent shall obtain prior approval from the Board
19 regarding Respondent's level of supervision and/or collaboration before commencing or
20 continuing any employment as a registered nurse, or education and training that includes patient
21 care.

22 Respondent shall practice only under the direct supervision of a registered nurse
23 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
24 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
25 are approved.

26 Respondent's level of supervision and/or collaboration may include, but is not
27 limited to the following:

28 (a) Maximum - The individual providing supervision and/or collaboration is

1 present in the patient care area or in any other work setting at all times.

2 (b) Moderate - The individual providing supervision and/or collaboration is in
3 the patient care unit or in any other work setting at least half the hours Respondent works.

4 (c) Minimum - The individual providing supervision and/or collaboration has
5 person-to-person communication with Respondent at least twice during each shift worked.

6 (d) Home Health Care - If Respondent is approved to work in the home health
7 care setting, the individual providing supervision and/or collaboration shall have person-to-
8 person communication with Respondent as required by the Board each work day. Respondent
9 shall maintain telephone or other telecommunication contact with the individual providing
10 supervision and/or collaboration as required by the Board during each work day. The individual
11 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
12 site visits to patients' homes visited by Respondent with or without Respondent present.

13 9. **Employment Limitations.** Respondent shall not work for a nurse's
14 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
15 traveling nurse, or for an in-house nursing pool.

16 Respondent shall not work for a licensed home health agency as a visiting nurse
17 unless the registered nursing supervision and other protections for home visits have been
18 approved by the Board. Respondent shall not work in any other registered nursing occupation
19 where home visits are required.

20 Respondent shall not work in any health care setting as a supervisor of registered
21 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
22 nurses and/or unlicensed assistive personnel on a case-by-case basis.

23 Respondent shall not work as a faculty member in an approved school of nursing
24 or as an instructor in a Board approved continuing education program.

25 Respondent shall work only on a regularly assigned, identified and predetermined
26 worksite(s) and shall not work in a float capacity.

27 If Respondent is working or intends to work in excess of 40 hours per week, the
28 Board may request documentation to determine whether there should be restrictions on the hours

1 of work.

2 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
3 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
4 than six months prior to the end of her probationary term.

5 Respondent shall obtain prior approval from the Board before enrolling in the
6 course(s). Respondent shall submit to the Board the original transcripts or certificates of
7 completion for the above required course(s). The Board shall return the original documents to
8 Respondent after photocopying them for its records.

9 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
10 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
11 amount of \$4,717.75. Respondent shall be permitted to pay these costs in a payment plan
12 approved by the Board, with payments to be completed no later than three months prior to the
13 end of the probation term.

14 If Respondent has not complied with this condition during the probationary term,
15 and Respondent has presented sufficient documentation of her good faith efforts to comply with
16 this condition, and if no other conditions have been violated, the Board, in its discretion, may
17 grant an extension of Respondent's probation period up to one year without further hearing in
18 order to comply with this condition. During the one year extension, all original conditions of
19 probation will apply.

20 12. **Violation of Probation.** If Respondent violates the conditions of her
21 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
22 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
23 license.

24 If during the period of probation, an accusation or petition to revoke probation has
25 been filed against Respondent's license or the Attorney General's Office has been requested to
26 prepare an accusation or petition to revoke probation against Respondent's license, the
27 probationary period shall automatically be extended and shall not expire until the accusation or
28 petition has been acted upon by the Board.

13. **License Surrender.** During Respondent's term of probation, if she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 01/31/08


SHELLY DAVETTE GREEN
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 21/4/08

EDMUND G. BROWN JR., Attorney General
of the State of California

GREGORY J. SALUTE
Supervising Deputy Attorney General

Jami L. Cantore
JAMI L. CANTORE
Deputy Attorney General

Attorneys for Complainant

Exhibit A
Accusation No. 2008-144

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM, State Bar No. 138213
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4 California Department of Justice
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7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 SHELLY DAVETTE GREEN
2002 West 112th Street
Los Angeles, CA 90047

14 Registered Nurse License No. 590988

15 Respondent.

Case No. 2008-144

ACCUSATION

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17
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H, R.N, (Complainant) brings this Accusation solely
21 in her official capacity as the Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about November 7, 2001, the Board of Registered Nursing,
24 Department of Consumer Affairs issued Registered Nurse License No. 590988 to Shelly Davette
25 Green ("Respondent"). The Registered Nurse License was in full force and effect at all times
26 relevant to the charges brought herein, and will expire on June 30, 2009, unless renewed.

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1 . . .
2 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
3 entries in any hospital, patient, or other record pertaining to the substances described in
4 subdivision (a) of this section."

5 9. California Code of Regulations, title 16, section 1442, states:

6 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
7 departure from the standard of care which, under similar circumstances, would have ordinarily
8 been exercised by a competent registered nurse. Such an extreme departure means the repeated
9 failure to provide nursing care as required or failure to provide care or to exercise ordinary
10 precaution in a single situation which the nurse knew, or should have known, could have
11 jeopardized the client's health or life."

12 10. California Code of Regulations, title 16, section 1443, states:

13 "As used in Section 2761 of the code, 'incompetence' means the lack of possession
14 of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed
15 and exercised by a competent registered nurse as described in Section 1443.5."

16 11. California Code of Regulations, title 16, section 1443.5 states:

17 "A registered nurse shall be considered to be competent when he/she consistently
18 demonstrates the ability to transfer scientific knowledge from social, biological and physical
19 sciences in applying the nursing process, as follows:

20 "(1) Formulates a nursing diagnosis through observation of the client's physical
21 condition and behavior, and through interpretation of information obtained from the client and
22 others, including the health team.

23 "(2) Formulates a care plan, in collaboration with the client, which ensures that
24 direct and indirect nursing care services provide for the client's safety, comfort, hygiene, and
25 protection, and for disease prevention and restorative measures.

26 "(3) Performs skills essential to the kind of nursing action to be taken, explains
27 the health treatment to the client and family and teaches the client and family how to care for the
28 client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

STATEMENT OF FACTS

13. On or about March 12, 2003, at approximately 18:20 p.m., Patient O.M., a 20 year old male, was transferred from another hospital to the Martin Luther King, Jr./Charles R. Drew Medical Center emergency room. Patient O.M. presented with a diagnosis of acute abdomen with severe abdominal pain.

14. On or about March 13, 2003, Respondent was employed as a registered nurse at the Martin Luther King, Jr./Charles R. Drew Medical Center in Los Angeles, California. At approximately 08:00 a.m., Respondent was assigned to provide nursing care to Patient O.M.

15. On or about March 13, 2003, at approximately 00:30 a.m., the physician wrote an order for Patient O.M. for the intravenous administration of the antibiotic Cefotetan. At or about 04:30 a.m., another physician order was written to administer Cefotetan to the patient intravenously. Respondent did not administer the antibiotic Cefotetan to Patient O.M.

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1 16. On or about March 13, 2003, at approximately 08:00 a.m., a nursing
2 assistant obtained the following vital signs for Patient O.M.: temperature 99.0, respiration 24,
3 pulse 160, and blood pressure 103/73. Between approximately 09:00 a.m. to 10:00 a.m.,
4 Respondent was notified that Patient O.M.'s pulse was elevated at 160. Respondent did not
5 reassess the patient's pulse. Respondent did not notify the physician of the elevated pulse rate.
6 Respondent did not document the abnormal elevated pulse in the patient's chart.

7 17. On or about March 13, 2003, at approximately 10:20 a.m., Respondent
8 was notified by the lab that Patient O.M.'s serum potassium level was 6.0. Respondent paged the
9 treating physician, who did not return the call. Respondent did not attempt to notify any other
10 physician or nursing supervisor regarding the patient's serum potassium level of 6.0.

11 18. On or about March 13, 2003, Respondent charted that she had performed
12 an assessment of Patient O.M. at 12:00 p.m., indicating that he was alert.

13 19. On or about March 13, 2003, at approximately 11:30 a.m., Patient O.M.
14 was found on the floor next to his bed. Patient O.M. was unresponsive with a large amount of
15 vomit coming from the mouth. A code blue was called and cardio-pulmonary resuscitation
16 efforts were initiated. Patient O.M. was pronounced dead at 12:25 p.m.

17 **CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct: Gross Negligence and/or Incompetence)**

19 20. Respondent's license is subject to disciplinary action pursuant to Code
20 section 2761, subdivision (a)(1), on the grounds of unprofessional conduct in that Respondent's
21 conduct was incompetent and/or grossly negligent within the meaning of California Code of
22 Regulations, title 16, sections 1442 and 1443, and as defined in California Code of Regulations,
23 title 16, section 1443.5, in that while employed as a registered nurse at the Martin Luther King,
24 Jr./Charles R. Drew Medical Center, Respondent failed to provide care or exercise ordinary
25 precaution, which she knew or should have known could jeopardize the patient's health or life as
26 follows:

27 a. On or about March 13, 2003, between approximately 09:00 a.m. to 10:00
28 a.m., Respondent was notified that Patient O.M.'s pulse was elevated at 160. Respondent failed

to reassess the patient's pulse, failed to document the abnormal finding in the patient's chart, and failed to notify the physician of the dangerous and emergent abnormal findings in the patient's cardiac status.

b. On or about March 13, 2003, at approximately 10:20 a.m., Respondent was notified that Patient O.M.'s serum potassium level was 6.0. Respondent failed to take appropriate steps to insure physician notification of the patient's dangerously high serum potassium level of 6.0.

c. On or about March 13, 2003, Respondent failed to administer the physician ordered intravenous antibiotic Cefotetan to Patient O.M., which could have resulted in a deterioration of his condition that was later determined to be intestinal gangrene.

d. On or about March 13, 2003, Respondent fraudulently charted that she had performed an assessment of Patient O.M. at 12:00 p.m., indicating that he was alert. In fact, Patient O.M. was unresponsive and undergoing cardio-pulmonary resuscitation efforts at 11:30 a.m., and expired at approximately 12:25 p.m. Respondent, by her own admission, "pre-charted" the 12:00 p.m. assessment on Patient O.M.'s chart.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged and that, following the hearing, the Board of Registered Nursing, Department of Consumer Affairs, issue a decision:

1. Revoking or suspending Registered Nurse License No. 590988 issued to Shelly Davette Green;

2. Ordering Shelly Davette Green to pay the Board of Registered Nursing, Department of Consumer Affairs the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/25/07

Elliot Hochberg for
RUTH ANN TERRY, M.P.H, R.N
Executive Officer
Board of Registered Nursing
State of California
Complainant